

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

Re: ECF No. 21596

(Jointly Administered)

URGENT CONSENSUAL MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Court Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as sole Title III representative of the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA” and, collectively with the Commonwealth and ERS, the “Debtors”), pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submits this urgent consensual motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”),

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Building Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

extending the deadlines in the *Order Granting the Urgent Consensual Motion for Extension of Deadlines* [Case No. 17-03283, ECF No. 21596] (the “Order”) and states as follows:

Request for Relief

1. On January 18, 2022, the Court entered the *Order and Judgment Confirming Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority* [ECF No. 19813] (the “Confirmation Order”), confirming the *Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.*, [ECF No 19784] (as amended, supplemented, or modified, the “Plan”).³

2. On March 15, 2022, the Effective Date of the Plan occurred, and the Plan was substantially consummated [ECF No. 20349]. Pursuant to Section 1.51 and Article III of the Plan and decretal paragraph 44 of the Confirmation Order, the deadline for filing proofs of Administrative Expense Claims was June 13, 2022 (the “Administrative Claim Bar Date”). *Id.*

3. On June 13, 2022, Ivelisse Calderón-Alibrán and Carlos Torres Viada (collectively, “Movants”) filed the *Urgent Motion for Extension of Administrative Expense Claim Bar Date and Proper Service of Process and Request to be Heard* [Case No. 17-BK-03283, ECF No. 21217] (the “Motion”), requesting, among other things, the entry of an order extending the Administrative Claim Bar Date.

4. Pursuant to the Order, the deadline for (i) responsive papers to the Motion is August 8, 2022 at 5:00 p.m. (Atlantic Standard Time) (the “Response Deadline”) and (ii) reply papers is August 15, 2022 at 5:00 p.m. (Atlantic Standard Time) (the “Reply Deadline”).

³ Unless otherwise defined herein, capitalized terms shall have the meanings ascribed thereto in the Plan.

5. The Oversight Board and AAFAF have been discussing the relief requested in the Motion and intend to propose terms for extending the Administrative Expense Bar Date⁴ for parties who did not receive notice of the occurrence of the Effective Date of the Plan, by providing publication notice thereof, streamlining the process for filing proofs of Administrative Expense Claims, if possible, and for certain post-petition actions to be adjudicated in their original forum, which terms remain subject to finalization and approval by the Court. However, in order to provide the necessary relief and appropriate notice and information to applicable courts, the Oversight Board requires additional time to finalize such terms in coordination with AAFAF and applicable governmental agencies and departments. Accordingly, the Oversight Board, with Movants' consent, respectfully requests an extension of the (a) Response Deadline from August 8, 2022 to **September 9, 2022 at 5:00 p.m. (Atlantic Standard Time)**, and (b) Reply Deadline from August 15, 2022 to **September 23, 2022 at 5:00 p.m. (Atlantic Standard Time)**.

6. Pursuant to Paragraph 1.H of the *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1] (the "Case Management Procedures"), the Oversight Board hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and Movants consent to the relief requested herein.

⁴ The requirement to file a proof of Administrative Expense Claim pursuant to Sections 1.51-1.52 and Article III of the Plan and decretal paragraph 44 of the Confirmation Order is applicable only to claims arising during the period from and including the Commonwealth Petition Date (May 3, 2017), ERS Petition Date (May 21, 2017), or PBA Petition (September 27, 2019), as applicable, up to and including the Effective Date (March 15, 2022).

Notice

7. The Oversight Board has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against the Commonwealth; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;⁵ (i) all parties filing a notice of appearance in these Title III cases; and (j) counsel to Movants. A copy of this Urgent Motion is also available at <https://cases.ra.kroll.com/puertorico/>.

8. The Oversight Board submits that, in light of the nature of the relief requested, no other or further notice need be given.

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⁵ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

WHEREFORE the Oversight Board requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: August 8, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

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Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**ORDER GRANTING THE
URGENT CONSENSUAL MOTION FOR EXTENSION OF DEADLINES**

Upon the *Urgent Consensual Motion for Extension of Deadlines* (ECF No. _____, the “Extension Motion”);² and the Court having found that the relief requested in the Extension Motion is in the best interests of the Oversight Board and Movants; and the Court having found that the Oversight Board provided adequate and appropriate notice of the Extension Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Extension Motion; and the Court having determined that the factual bases set forth in the Extension Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Building Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Extension Motion.

1. The Extension Motion is granted as set forth herein.
2. Responses to the Motion, if any, must be filed by **September 9, 2022**, at **5:00 p.m. (Atlantic Standard Time)**.
3. Replies, if any, must be filed by **September 23, 2022**, at **5:00 p.m. (Atlantic Standard Time)**.
4. This Order resolves Docket Entry No. _____ in Case No. 17-3283.

SO ORDERED.

Dated: August _____, 2022

LAURA TAYLOR SWAIN
United States District Judge